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From:	Homer W. Faucett, III
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Subject:	Re: Response to Restriction Requirement First Named Inventor: ANGELETTI, Chris, et al. Invention: REUSABLE WINDSHIELD PALLET Serial No.: 10/759,944 Filed: January 16, 2004 Our File No.: P00599-US-01 (16169.0075) Examiner: BUI, Luan Kim

Message:

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Client / Matter: 16169.0075

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Re: Response to Restriction Requirement
First Named Inventor: ANGELETTI, Chris, et al.
Invention: REUSABLE WINDSHIELD PALLET
Serial No.: 10/759,944
Filed: January 16, 2004
Our File No.: P00599-US-01 (16169.0075)
Examiner: BUI, Luan Kim

REMARKS

Claims 1-54 are pending in the above-referenced patent application. In an Office Action dated April 3, 2006, the Examiner determined that more than one invention is present and is requiring the Applicant to elect between the following groups of claims, as quoted in the Office Action:

Group I. Claims 1-43, and 47-49, drawn to a combination of a pallet and a re-usable shipping pallet, classified in Class 206, subclass 448, and others.

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- Group II. Claims 44-45, drawn to a subcombination of a re-usable shipping pallet with foldable posts, classified in Class 220, subclass 6 and others.
- Group III Claim 46, drawn to a subcombination of a re-useable shipping pallet with a telescoping member depending on the size of the windshield, classified in Class 220, subclass 8 and others.
- Group IV Claim 50, drawn to a subcombination of a first lower resilient stop, classified in Class 52, subclass unknown.
- Group V Claims 53-54, drawn to a subcombination of a re-useable shipping pallet with at least one side restraint for engaging at least one windshield, classified in Class 108, subclass unknown.

In response, the Applicants provisionally elect Group I, Claims 1-43, and 47-49, with traverse. Applicants respectfully traverse the Examiner's rejection. In particular, Applicants note that the Examiner has restricted out Group II and Group III as asserted subcombinations of Group I, the asserted combination. Further, Applicants note that Examiner has stated that "[i]nventions in this relationship are distinct if it can be shown that (1) the combination [Group I] as claimed does not require the particulars of the subcombination [Group II or III] as claimed for patentability" Applicants would be happy to elect Group I without traverse if the Examiner is asserting that Group I is patentable without the particulars of the asserted subcombinations. However, such a representation would generally be accompanied by a similar notification of

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allowable subject matter, since the asserted combination (Group I) does not require the particulars of the subcombination as claimed for patentability.

Further, there are two criteria that must be fulfilled for proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 801.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and (B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02)." MPEP § 803. Applicants respectfully assert that each group suggested for restriction is related to a re-usable shipping pallet, thereby requiring no additional serious burden on the Examiner.

Applicants respectfully request reconsideration in light of the above comments. However, should the Examiner not find the Applicants' reasoning compelling, they hereby provisionally elect Group I, Claims 1-43, and 47-49 as discussed above. Applicant hereby authorizes a one month extension of time for this election, and requests that such fee be charged to deposit account 09-0007, referencing the above-listed docket number. In the event Applicant has inadvertently overlooked the need to petition for an extension of time or to pay an additional fee, Applicants conditionally petitions therefor, and authorize any fee deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

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If the Examiner has any questions, please contact the undersigned.

Respectfully submitted,

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